



Pre Amended  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BRYAN  
Serial No.: 09/803,211  
Filed: March 8, 2001  
For: BIOLUMINESCENT NOVELTY ITEMS  
Art Unit: Unassigned  
Examiner: Unassigned

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231, on this date.

05/16/01  
Date

*Kelly M. Fischer*  
Kelly M. Fischer

PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Preliminary to examination of the above-captioned patent application, please amend the application as follows:

IN THE SPECIFICATION:

Please amend the specification as follows (a marked up copy of the amended specification is attached to this Amendment):

Please replace the paragraph on page 13, line 32, to page 14, line 4, with the following:

- a)
2. Capsules, pellets, liposomes, micronized particles
    - a. Encapsulating vehicles-in general
    - b. Encapsulating vehicles -liposomes
    - c. Encapsulating vehicles -gelatin and polymeric vehicles
    - d. Endosomes and vacuoles
    - e. Micronized particles

Please replace the paragraph on page 52, lines 16-28 with the following:

a)

Bacterial luciferase, as exemplified by luciferase derived from *Vibrio harveyi* (EC 1.14.14.3, alkanol reduced-FMN-oxygen oxidoreductase 1-hydroxylating, luminescing), is a mixed function oxidase, formed by the association of two different protein subunits  $\alpha$  and  $\beta$ . The  $\alpha$ -subunit has an apparent molecular